

SENATE BILL 1365

By Haynes

AN ACT to amend Tennessee Code Annotated, Title 68,
Chapter 221, Part 4, relative to subsurface
sewage disposal systems.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 221, Part 4, is amended by
adding a new section thereto, as follows:

Section 68-221-420.

(a) Notwithstanding any provision of the law to the contrary, no county
government official shall deny the issuance of a subsurface sewage disposal system
permit to a homeowner for the building, rebuilding, remodeling, or otherwise altering of
any house or establishment, mobile or permanent, utilizing such system with a pre-
existing subsurface sewage disposal system; provided, that:

(1) The altered house or establishment utilizing the pre-existing
subsurface sewage disposal system will be owned by the same owner or:

- (A) An ancestor of such owner;
- (B) The spouse or former spouse of such owner;
- (C) A lineal descendent of such owner, of such owner's spouse or
former spouse, or of a parent of such owner; or
- (D) The spouse of any lineal descendent of such owner described
in subdivision (a)(1)(C) of this section; who utilized the subsurface
sewage disposal system prior to rebuilding, remodeling or otherwise
altering such house or establishment;

(2) The owner, or person described in subdivisions (a)(1)(A)-(a)(1)(D) of this section, has no actual knowledge of any defect with the subsurface sewage disposal system or any failure of such system;

(3) The property upon which the house or establishment is to be built, rebuilt, remodeled or otherwise altered is more than five (5) acres in size;

(4) The pre-existing subsurface sewage disposal system is not constructed, altered, extended or repaired in any manner other than being connected to the newly constructed house or establishment or the rebuilt, remodeled or otherwise altered house or establishment;

(5) The construction, rebuilding, remodeling, or other alteration of the house or establishment is not in connection with a sale of the property; and

(6) The property owner who applied and obtained the permit or license signs a sworn statement certifying compliance with this section.

(b) Prior to sale of such house or establishment, the owner shall disclose such improvements utilizing the pre-existing subsurface sewage disposal system on the residential property disclosure statement required pursuant to § 66-5-210.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.